

### **REMARKS/ARGUMENTS**

This Amendment is being filed in response to a first Official Action on a second Request for Continued Examination (RCE) for the above-identified application. The present application includes pending Claims 1-9, 14-16 and 21-23, of which the Official Action rejects Claims 1-8, 14, 15, 21 and 23 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,850,540 to Peisa et al., in view of newly-cited U.S. Patent Application Publication No. 2002/0054583 to Olesen et al. The Official Action rejects the remaining claims, namely Claims 9, 16 and 22, as being unpatentable over Peisa in view of Olesen, and further in view of one of U.S. Patent Application Publication No. 2002/0164980 to Eriksson et al., or U.S. Patent Application Publication No. 2002/0027897 to Mouldsley et al.

As explained below, Applicants respectfully submit that the claimed invention is patentably distinct from Peisa, Olesen, Eriksson and Mouldsley, taken individually or in combination. Nonetheless, Applicants have amended various ones of the claims to further clarify the claimed invention. In view of the amendments to the claims and the remarks presented herein, Applicants respectfully request reconsideration and allowance of all of the pending claims of the present application.

#### ***A. Claims 1-8, 14, 15, 21 and 23 are Patentable over Peisa in view of Olesen***

Amended independent Claim 1 recites a method of transmitting a radio signal. As recited, the method includes implementing a protocol stack having at least a physical layer and a medium access control layer, where the medium access control layer directs data from an application to a plurality of transport channels, in which the application data belongs to a plurality of classes for which different qualities of service are required, and the transport channels to which the data is directed being selected in accordance with the classes to which the data belongs. The method also includes generating a respective processing scheme for processing data in each transport channel, in which the transport channel processing schemes are selected and combined in dependence upon the application from which the data is directed. Further, the method includes multiplexing the transport channels to produce a physical layer

signal, where a code identifying the combined transport channel processing schemes is included in the physical layer signal.

In contrast to independent Claim 1, neither Peisa nor Olesen, taken individually or in any proper combination, teach or suggest a method of transmitting a radio signal including generating a respective processing scheme for processing data in each of a plurality of transport channels, in which the transport channel processing schemes are selected and combined in dependence upon the application from which data is directed. The Official Action cites Peisa for this feature of the claimed invention, and appears to relate this feature to Peisa's selection of a TFC (processing schemes) in dependence upon the radio access bearers (RABs) and their respective qualities of service (QoS). *See* Peisa, col. 5, ll. 8-10; and col. 8, ll. 48-51. Even if one could argue that Peisa discloses selecting a TFC in dependence upon the RABs and their QoS, however, Applicants respectfully submit that a RAB does not correspond to an application from which data is directed to transport channels, as per amended independent Claim 1.

Applicants therefore respectfully submit that amended independent Claim 1, and by dependency Claims 2, 3 and 5-9, is patentably distinct from Peisa and Olesen, taken individually or in combination. Applicants also respectfully submit that amended independent Claims 4, 21 and 23 recite subject matter similar to that of amended independent Claim 1, including the aforementioned selection and combination of processing schemes in dependence upon the application from which the data is directed. Thus, Applicants respectfully submit that amended independent Claims 4, 21 and 23, and by dependency Claims 14-16, are also patentably distinct from Peisa and Olesen, taken individually or in any proper combination, for at least the reasons given above with respect to amended independent Claim 1.

For at least the foregoing reasons, Applicants respectfully submit that the rejection of Claims 1-8, 14, 15, 21 and 23 as being unpatentable over Peisa in view of Olesen is overcome.

***B. Claims 9 and 16 are Patentable over Peisa in view of Olesen and Eriksson***

The Official Action rejects Claims 9 and 16 as being unpatentable over Peisa in view of Olesen, and further in view of Eriksson. As explained above, neither Peisa nor Olesen, taken individually or in any proper combination, teaches nor suggests processing schemes that are

selected and combined in dependence upon the application from which data is directed, similar to amended independent Claims 1 and 4, and by dependency Claims 9 and 16. Similarly, Applicants respectfully submit that Eriksson does not teach or suggest this feature of the claimed invention. Applicants therefore respectfully submit that amended independent Claims 1, 4, 22 and 23, and by dependency Claims 9 and 16, are patentably distinct from Peisa, Olesen and Eriksson, taken individually or in any proper combination.

For at least the foregoing reasons, Applicants respectfully submit that the rejection of Claims 9 and 16 as being unpatentable over Peisa in view of Olesen, and further in view of Eriksson, is overcome.

***C. Claim 22 is Patentable over Peisa in view of Olesen and Mousley***

The Official Action rejects independent Claim 22 as being unpatentable over Peisa in view of Olesen, and further in view of Mousley. Amended independent Claim 22 recites a method of transmitting a radio signal including generating a respective processing scheme for processing data in each of a plurality of transport channels. As also recited, the method includes selecting a modulating technique to be applied to the physical layer signal for transmission, where the processing schemes are dependent on the modulation technique.

The Official Action concedes that neither Peisa nor Olesen, taken individually or in any proper combination, teaches or suggests selecting a modulation technique, or depending the processing schemes on the modulation technique. For these features, the Official Action cites Mousley. Applicants respectfully disagree, however, and submit that like Peisa and Olesen, Mousley also does not teach or suggest selecting a modulating technique to be applied to the physical layer signal for transmission, where the processing schemes are dependent on the modulation technique, as per amended independent Claim 22.

The Official Action cites Mousley for disclosing inclusion of modulation scheme selection commands in the transport format indicator (TFCI) field carried on a control channel. Even given this disclosure, however, Mousley still does not teach or suggest depending the TFC (transport channel processing schemes) indicated in the TFCI on a modulation scheme, similar to amended independent Claim 22. At best, one could argue that Mousley discloses that the TFCI

field may include not only the TFCI, but also other data or commands. Mousley does not further teach or suggest any dependency between the TFCI (or TFC identified thereby) and selected modulation scheme. Applicants therefore respectfully submit that amended independent Claim 22 is patentably distinct from Peisa, Olesen and Mousley, taken individually or in any proper combination.

For at least the foregoing reasons, Applicants respectfully submit that the rejection of Claim 22 as being unpatentable over Peisa in view of Olesen, and further in view of Mousley, is overcome.

**CONCLUSION**

In view of the amendments to the claims and the remarks presented above, Applicants respectfully submits that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicants' undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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